

BEFORE THE BOARD OF ARCHITECTURAL EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. ARC-2009-15
GORDON K. WALKER,)	
License No. AR-1125,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Respondent.)	AND FINAL ORDER
)	

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Board of Architectural Examiners (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Gordon K. Walker ("Respondent") is a duly licensed architect in the State of Idaho holding License No. AR-1125. Respondent's license expired on February 12, 2009, and Respondent's license was canceled as of February 13, 2009. Respondent has not renewed his license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew his license for up to five (5) years after cancellation by paying the required fees.

2. Pursuant to Idaho Code § 54-312(2)(e), the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 450 (IDAPA 24.01.01.450) requires each renewal application to be accompanied by certification of having attended and completed a minimum of 8 hours of continuing education in architectural health, safety and welfare during the 12 months before renewal.

3. On or about January 25, 2008, Respondent submitted a License Renewal Application for the 2008-09 renewal year. As part of the License Renewal Application, Respondent answered "yes" to the question: "Prior to your submission of this renewal application, have you completed a minimum of eight (8) hours of continuing education in

architectural health, safety and welfare during the previous 12 months, or within the previous 24 months if you are including carry over hours taken from the previous renewal year but not claimed for CE credit in that year?" Respondent also signed the following affidavit:

I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct. I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application.

4. The License Renewal Application further notified Respondent that the Board would conduct random audits to ensure compliance with continuing education requirements. A redacted copy of the January 25, 2008, License Renewal Application is attached as Exhibit A.

5. On or about March 25, 2008, Respondent was notified that he had been selected for a continuing education audit. Respondent was requested to provide documentation to the Bureau of Occupational Licenses by October 3, 2008, to confirm completion of the Board's continuing education requirements.

6. On or about November 20, 2008, Respondent submitted information to the Bureau of Occupational Licenses reflecting that Respondent attended the following continuing education in the 12 months before renewal on January 25, 2008:

Course Title	Date	Sponsoring Organization	Location	Total hrs
Sustainable Sites Initiative	10/24/07	Mithun	Seattle	1.0
Mithuns Green History	10/31/07	Mithun	Seattle	1.0
Biophilic Design: Say it With Nature	6/13/07	Mithun	Seattle	1.0
Mosler Lofts Site Tour TWO	7/27/07	Mithun		1.0
From Cradle to Grave: A Case Study of Design Through Detail	6/6/07	Mithun	Seattle	1.0
Understanding Color—Repeat Performances	5/22/07	Mithun	Seattle	1.0
Total Hours				6.0

7. Although Respondent submitted a total of what he characterized as 6.0 continuing education hours, only 3.0 of those hours involved architectural health, safety and welfare (the courses on 10/24/07, 10/31/07 and 6/13/07).

8. Despite certifying on his License Renewal Application on January 25, 2008, that he had met the Board's continuing education requirement, Respondent failed to obtain 8 hours of continuing education in architectural health, safety and welfare during the 12 months before renewal.

9. On or about February 12, 2009, Respondent voluntarily surrendered his license, admitting to violations of the Architects Practice Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit B.

10. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed architect in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 3, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Architects Practice Act and Rules and constitute grounds for revocation or suspension of Respondent's license to practice architecture pursuant to Idaho Code §§ 54-305(a) and (h) and IDAPA 24.01.01.450.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-312.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that License No. AR-1125

issued to Respondent Gordon K. Walker, including any renewal rights, is hereby REVOKED. It is further ordered that, should Respondent seek licensure in the future, the Board reserves the right to assess investigative costs and attorney's fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 1 day of May, 2009.

IDAHO STATE BOARD
OF ARCHITECTURAL EXAMINERS

By Paul W. Jensen
Paul Jensen, Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

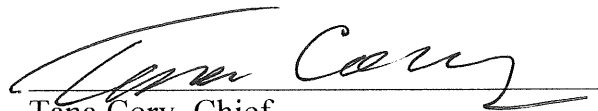
I HEREBY CERTIFY that on this 4th day of May, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Gordon K. Walker
1413 15th Avenue #1
Seattle, WA 98122

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Michael S. Gilmore
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Tana Cory, Chief
Bureau of Occupational Licenses

Owyhee Plaza
1109 Main St., Suite 220
Boise, Idaho 83702-5642

STATE OF IDAHO
BUREAU OF OCCUPATIONAL LICENSES

RENEWAL APPLICATION

License #: **AR-1125**

Expiration Date: **02/12/2008**

The fee noted will be applied to renew your license for the next license period. This completed application must be received by the Bureau &/or postmarked before the expiration date noted above. **As required by law, all license renewal applications received after the expiration date will be assessed a reinstatement fee of \$25.00 in addition to the renewal fee.**

Renewal Fee:	\$50.00
Past Renewal Fee(s):	\$0.00
Reinstatement Fee:	\$0.00
Other Fees/Credits:	\$0.00
Total Due:	\$50.00
If paid before 02/12/2008	

ALL RETURNED CHECKS ARE SUBJECT TO A \$20 COLLECTION FEE.

GORDON K WALKER
1413 15TH AVENUE #1
SEATTLE WA 98122

RECEIVED
JAN 25 2008

NOTE: Name &/or Address of Record
changes must be made with the Name-
Address Change form.

OCCUPATIONAL LICENSES

THIS FORM MUST BE COMPLETED AND SUBMITTED IN ITS ENTIRETY

Please make check or money order payable to IBOL and submit this form with the required fee to the address noted above.

Some responses may result in a request for additional information. Your renewal may be delayed until your response is received.

You may also submit your renewal online at www.ibol.idaho.gov

QUESTIONS

1. [] YES ☒ NO Since the date of your last application have you pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for a misdemeanor that involved a violation of the provisions of the laws and rules applicable to the license identified by this application?
2. [] YES ☒ NO Since the date of your last application have you pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for a willful violation of state or local building codes?
3. [] YES ☒ NO Since the date of your last application have you pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for a violation of any law relating to public health and safety that was committed in the course of your practice?
4. ☒ YES [] NO Prior to your submission of this renewal application, have you completed a minimum of eight (8) hours of continuing education in architectural health, safety and welfare during the previous 12 months, or within the previous 24 months if you are including carry over hours taken from the previous renewal year but not claimed for CE credit in that year?
5. [] YES ☒ NO Since the date of your last application have you pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for any felony in this or any other jurisdiction?
6. [] YES ☒ NO Since the date of your last application have you received any type of disciplinary sanction, restriction, or limitation from any regulatory licensing authority or organization in this or any other jurisdiction?

AFFIDAVIT

I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct. I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application.

Signature

Social Security #

Social Security numbers are required on all applications for licensure by Title 73, Section 122, Idaho Code. Your failure to respond to each of the questions and provide requested documentation and responses will invalidate this application. The Board will conduct random audits subsequent to renewal to insure compliance with the continuing education requirements. You are required to maintain proof of attendance documentation for all continuing education and provide it upon request.



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12/31/2007

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Exhibit

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IDAHO BUREAU OF OCCUPATIONAL LICENSES

VOLUNTARY SURRENDER OF LICENSE

I, GORDON K. WALKER, hereby voluntarily surrender my license to practice as an architect in the State of Idaho. I agree and consent that the surrender of my license to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my failure to comply with Idaho Law, title 54, chapter 3, Idaho Code, and the rules promulgated by the Idaho Board of Architectural Examiners ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice in the State of Idaho and agree to immediately discontinue the practice of architecture in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of architecture, title 54, chapter 3, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any license renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my license to practice, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code §§ 54-305(a) and (h) and IDAPA 24.01.01.450. I understand that the Board may enter an order either revoking or suspending my license to practice, including any renewal rights, based upon my voluntary surrender of my license, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my license to practice, all of the privileges associated with said license are hereby surrendered until such time as I am again properly licensed. I understand that to regain a license to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 3, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my license or any license application that I may submit.

I waive refund of any payments made by me in connection with my license under the Architects Act and any rules promulgated thereunder.

Name of Licensee: Gordon K. Walker License No.: AR-1125
Address: 1413 15TH AVE SEATTLE WA 98122
street city zip

Signature of Licensee or Authorized Individual: [Signature]

Signature of Witness: [Signature] Date: 2.12.09
Date: 2.12.09